

WASHINGTON COUNTY COMMISSION MEETING
MINUTES
APRIL 6, 2010

The Regular Meeting of the Board of the Washington County Commission was called to order by Chairman James J. Eardley at 4:00 p.m. on April 6, 2010, in the Commission Chambers, Washington County Administration Building, St. George, Utah. Those in attendance were Commission Chairman James J. Eardley, Commissioner Alan D. Gardner, Commissioner Denny Drake, County Administrator Dean Cox, Deputy County Attorney Rachelle Ehler, and Deputy County Clerk Christine Hall.

The Spectrum was not represented at the meeting.

Commissioner Gardner led the Pledge of Allegiance.

AGENDA

CONSENT AGENDA:

The Consent Agenda is a means of expediting routine matters which come before the Commission for approval. The Consent Portion of the agenda is approved by one (1) non-debatable motion. If any Commissioner wishes to remove an item from the Consent Portion of the agenda, then that item becomes the first order of business on the regular agenda.

Consideration of Auditor-Approved Claims for Payment for March 17, 2010, through April 6, 2010

Consideration of Approval of Regular Commission Meeting Minutes from March 16, 2010

Consideration of Applications for Property Tax Abatement (7):

Barbara Antrim, S/N SG-MS-43; Robert Brewster, S/N W-LJH-2-9; Judith Ann Gronske, S/N W-MOGS-3-41; Gloria Joseph, S/N SG-RAS-36; Norma Kirk, S/N SG-SCMST-1-12; Steven Richmond, S/N W-RPA-27-A; Janice Stephens, S/N H-SCAN-3-A-4

Consideration of Application for Settlement or Deferral of Property Taxes (8) (attached)

Consideration of Administrative Adjustments/ Real Property (attached)

Consideration of Administrative Adjustments / Personal Property (attached)

Consideration of Application for Beer License / Veyo Mercantile Convenience Store and Bakery / Rozell Hughes, applicant

Acknowledgment of Notice of Publication, Ordinance No. 2010-992-O, on Saturday, March 27, 2010

Actions of the Washington County Planning Commission: 03-23-10

Conditional Use Permit: Request permission for an exception to height limitations on a sixty (60) foot silo and to establish a batch plant at Snowfield Rock Products, which is an existing gravel crushing operation north of Pintura. Tom Walbom/Granite Construction Company, applicant

The applicant submitted a packet for the Planning Commission to review, which would allow the applicant to operate an asphalt plant operation at an existing gravel pit. This use was initially approved in July of 2007. These types of uses (mining and mineral development) are conditionally approved within the OST-20 Zone, and asphalt plants are approved conditionally within the Industrial zone. This use is temporary in nature (5 year lease), although the commission may want to consider this use as similar and in harmony with the character and intent of the zone. There will need to be an exception to the height requirement, as one of the silos is about sixty feet (60') in height. Access for haul trucks would be from the Snowfield (Ranch) Exit on I-15, with ingress and egress from an existing County or frontage road and a private easement. Sanitation and water needs for dust control will be addressed. The applicant is in contact with MSHA and EPA on a portable asphalt plant that will be reviewed and monitored when it is in place.

Robert Mason, citizen, said he worked for UDOT for fourteen (14) years and neither of the on ramps meets current safety standards for acceleration length. He said the County may want to look at that to minimize its liability. Todd Edwards, County Engineer, said he works with UDOT a lot and this is one of its top priorities.

Mr. Walbom said emissions are regulated by the clean air act and they will have to demonstrate to the Department of Air Quality that they are below air quality standards. He agreed there is a slight aroma. He informed the commission that this plant is a portable sixty foot (60') silo which receives asphalt, is insulated, keeps the asphalt warm, and then loads the trucks. He reviewed Figure six (6) from his submitted packet with them. He stated their intent is to make a zero discharge facility and this tower is top of the line. Lower silos are available, but the air quality is not always as good. He said technically this is not a building, but a piece of equipment.

Mr. Johnson, neighbor, told the commission that he is not really happy with it, but there is nothing he can do about it. He and his wife only live there half of the year, the rest of the year they are in Bloomington. He stated they have several concessions from Granite, including the fact that they will not mine within two (2) acres of his property.

Facts/findings:

- In harmony with the character and intent of the zone and similar to other uses conditionally permitted
- The sixty (60) foot tower is the standard of the industry based on the testimony of the applicant
- The applicant is in compliance with the EPA

- The use complies with all applicable provisions of Washington County ordinances, state and federal law
- The use is not detrimental to the public health, safety and welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity and the applicant will work with UDOT to mitigate any potential risks that may arise due to trucks entering and exiting the highway
- The use is consistent with the characteristics and purposes stated in the general plan, as amended
- Traffic safety conditions are not adversely affected by the use. The existence or need for dedicated turn lanes, pedestrian access, and capacity of the existing streets shall be reviewed
- Utility capacity is adequate
- Emergency access is adequate
- The location and design of parking both on site and off street is adequate
- Exterior lighting is adequate and does not unduly disturb the surrounding area
- Signage is adequate and in compliance with Title 10, Chapter 19 of this code
- Requirements for the management and maintenance of facilities is adequate
- The use does not result in a situation which will create a need for essential services which cannot be reasonably met by local service providers, including roads and access for emergency vehicles and residents; fire protection; police protection; schools and school busing; drinkable water; sewer; storm drainage; and garbage removal
- Noise and dust pollution shall not negatively impact surrounding uses in existence at the time the conditional use is approved by the County Commission.
- Road ingress and egress are sufficient to allow safe travel for vehicle and pedestrians surrounding the conditional use
- The hours of operation for crushing, processing or hauling aggregate do not significantly negatively impact surrounding uses in existence at the time the conditional use is granted. There may be restrictions on the hours of operation and roads available for the conditional use in areas where there are schools or residences in close proximity to the operation
- A plan for reclamation of land that complies with all applicable provisions of Washington County ordinances, state and federal law

Motion was made by Commissioner Balen to recommend approval for the Conditional Use Permit to establish a batch plant at the Snowfield Exit, subject to the applicant working with UDOT to mitigate safety issues and complying with all state and federal laws, based on the facts and findings, for a period of one (1) year. Commissioner Ford seconded the motion, with all five (5) commissioners voting aye.

MOTION: Motion by Commissioner Drake to Approve the Consent Agenda with the exception of the Application for Beer License, which he requested

be considered on the Regular Agenda. Motion seconded by Commissioner Gardner and carried by unanimous vote, with Commissioners Eardley, Gardner, and Drake voting aye.

REGULAR AGENDA ITEMS FOR CONSIDERATION:

Consideration of Application for Beer License / Veyo Mercantile Convenience Store and Bakery / Rozell Hughes, applicant

Commissioner Gardner asked for clarification on the signature on the Application. Rozell Hughes explained that she and her husband are partners in this venture, and therefore either signature should be valid on the application.

MOTION: Motion by Commissioner Gardner to Approve the Application for Beer License for Veyo Mercantile Convenience Store and Bakery, Rozell Hughes, Applicant. Motion seconded by Commissioner Drake and carried by unanimous vote, with Commissioners Eardley, Gardner, and Drake voting aye.

VOLUNTEER OF THE MONTH / LINDA SAPPINGTON

No presentations were made today.

PURCHASE REQUESTS / MARK BLANCH: NONE

PRESENTATION: DESIGNATION OF APRIL AS CHILD ABUSE PREVENTION MONTH / PATRICIA SHEFFIELD

Patricia Sheffield, Director of the Washington County Children's Justice Center (CJC), read the Proclamation which is attached to these minutes. April has been designated nationally as Child Abuse Prevention Month, and she asked the Commission to adopt that concept on a county level. She added that two hundred and seventy five (275) children have been interviewed at the CJC so far this year.

Victims' Services Coordinator Debra Woods of the Children's Justice Center addressed comments to the Commission regarding the use of legislative and grant money to benefit the children who are seen at the CJC.

MOTION: Motion by Commissioner Drake to Proclaim April as Child Abuse Prevention Month in Washington County. Motion seconded by Commissioner Gardner and carried by unanimous vote, with Commissioners Eardley, Gardner, and Drake voting aye.

PRESENTATION BY JOHNNIE R. MILLER, CHIEF EXECUTIVE OFFICER OF UTAH COUNTIES INSURANCE POOL, FOR WORKERS COMPENSATION PROGRAM / 2009

Johnnie R. Miller, Chief Executive Officer (CEO) of Utah Counties Insurance Pool (UCIP), an intergovernmental agency created in 1992. Mr. Miller presented a check to Washington County, representing credits earned as a result of payroll deductions and overtime control to meet budgetary demands. In addition, the Board of Directors made a decision to implement a post-policy year rate reduction in the form of returning surplus to the counties as a result of a restructuring of the workers compensation program for 2009.

The amount of the check was seventy-four thousand, nine hundred and ten dollars (\$74,910.00).

Mr. Miller commended the hard work by the Commissioners to keep payroll and other costs down; and by Washington County Attorney Brock Belnap, who serves on UCIP's Litigation Management Committee, and provides insight into many difficult strategies and issues that come before that board. Washington County is one of the leaders in UCIP's organization.

PRESENTATION BY FIVE COUNTY ASSOCIATION OF GOVERNMENTS / DARREN JANES: UPDATE OF NATURAL HAZARD MITIGATION PLAN

Darren Janes, Community Planner for Five County Association of Governments (Five County), presented the draft Natural Hazard Mitigation Plan (NHMP) for the review of the Commission. This document was originally written for the Five County region in 2004. It provides access to federal funding, should a natural hazard occur, and also provides some ability to gain access to natural hazard mitigation grants. Every five years, this plan must be updated. For the past year, Five County has worked with representatives from the region to receive input and make changes to the Plan. It is now in a format that is more readable, and detailed to the county level.

A thirty (30)-day comment period has now begun, during which all comments are welcome from officials and the public. The document is available online at the Five County website: www.fivecounty.utah.gov/hazards. Comments may be made through email or fax to Mr. Janes.

CONSIDERATION OF RESOLUTION NO. R-2010-1428, A RESOLUTION APPROVING THE EXECUTION OF A LEGAL SERVICES AGREEMENT BETWEEN MCKOOL SMITH, P.C., AND WASHINGTON COUNTY

The Commission, having reviewed this issue at length, decided not to enter into this agreement.

MOTION: Motion by Commissioner Drake to Deny Resolution No. R-2010-1428, A Resolution Approving The Execution Of A Legal Services Agreement Between McKool Smith, P.C., And Washington County. Motion seconded by Commissioner Gardner and carried by unanimous vote, with Commissioners Eardley, Gardner, and Drake voting aye.

CONSIDERATION OF RESOLUTION NO. R-2010-1432, A RESOLUTION APPROVING THE EXECUTION OF THREE (3) ELEVATOR SERVICE AGREEMENTS BETWEEN SCHINDLER PLUS AND WASHINGTON COUNTY TO SERVICE THE ELEVATORS AT THE ST. GEORGE LIBRARY, THE ST. GEORGE SENIOR CENTER, AND THE COURTHOUSE OFFICE PLAZA

Administrator Dean Cox explained that this service was put out to bid, and Schindler was the low bidder. Schindler has been servicing elevators at other county locations and doing a fine job.

MOTION: Motion by Commissioner Gardner to Adopt Resolution No. R-2010-1432, A Resolution Approving The Execution Of Three (3) Elevator Service Agreements Between Schindler Plus And Washington County To Service The Elevators At The St. George Library, The St. George Senior Center, And The Courthouse Office Plaza. Motion seconded by Commissioner Drake and carried by unanimous vote, with Commissioners Eardley, Gardner, and Drake voting aye.

CONSIDERATION OF RESOLUTION NO. R-2010-1433, A RESOLUTION APPROVING THE EXECUTION OF AN AGREEMENT BETWEEN INTERMOUNTAIN POWER AGENCY (IPA) AND BEAVER, JUAB, MILLARD, SALT LAKE, UTAH, AND WASHINGTON COUNTIES (COUNTIES) TO ESTABLISH THE FEE BASE OF IPA'S OPERATING PROPERTY AND FUTURE ADDITIONS TO IPA'S OPERATING PROPERTY FOR THE YEARS 2010 THROUGH 2013

This has been led by Millard County, who has primary involvement in the agreement, which concerns state-assessed property taxes.

MOTION: Motion by Commissioner Gardner to Adopt Resolution No. R-2010-1433, A Resolution Approving The Execution Of An Agreement Between Intermountain Power Agency (IPA) And Beaver, Juab, Millard, Salt Lake, Utah, And Washington Counties (Counties) To Establish The Fee Base Of IPA's Operating Property And Future Additions To IPA's Operating Property For The Years 2010 Through

2013. Motion seconded by Commissioner Drake and carried by unanimous vote, with Commissioners Eardley, Gardner, and Drake voting aye.

CONSIDERATION OF RESOLUTION NO. R-2010-1434, A RESOLUTION AMENDING THE FEES FOR THE WASHINGTON COUNTY LIBRARY

MOTION: Motion by Commissioner Drake to Adopt Resolution No. R-2010-1434, A Resolution Amending The Fees For The Washington County Library. Motion seconded by Commissioner Gardner and carried by unanimous vote, with Commissioners Eardley, Gardner, and Drake voting aye.

CONSIDERATION OF RESOLUTION NO. R-2010-1435, A RESOLUTION APPROVING THE EXECUTION OF A COOPERATIVE AGREEMENT BETWEEN THE UNITED STATES DEPARTMENT OF AGRICULTURE, NATURAL RESOURCES CONSERVATION SERVICE (NRCS) AND WASHINGTON COUNTY TO PROVIDE FINANCIAL AND TECHNICAL ASSISTANCE FOR THE WASHINGTON COUNTY NEW HARMONY MILL FLAT FIRE REHABILITATION PROJECT

This resolution approves an agreement between the NRCS and Washington County to provide up to 1.2 million dollars (\$1,200,000.00) to assist in rehabilitation projects in the New Harmony area. The local community and the county must provide a matching contribution to obtain this federal money.

MOTION: Motion by Commissioner Gardner to Adopt Resolution No. R-2010-1435, A Resolution Approving The Execution Of A Cooperative Agreement Between The United States Department Of Agriculture, Natural Resources Conservation Service (NRCS) And Washington County To Provide Financial And Technical Assistance For The Washington County New Harmony Mill Flat Fire Rehabilitation Project. Motion seconded by Commissioner Drake and carried by unanimous vote, with Commissioners Eardley, Gardner, and Drake voting aye.

CONSIDERATION OF RESOLUTION NO. R-2010-1436, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF WASHINGTON COUNTY, UTAH, CREATING AND ESTABLISHING A SPECIAL SERVICE DISTRICT WITHIN WASHINGTON COUNTY; DESCRIBING THE BOUNDARIES THEREOF, NAMING THE SAID DISTRICT, AUTHORIZING AND SPECIFYING THE SERVICES TO BE PROVIDED, SETTING FORTH THE POWERS, DUTIES AND AUTHORITY, PROVIDING FOR THE METHOD OR

METHODS OF PAYMENT FOR THE SERVICES TO BE FURNISHED, AND PRESCRIBING OTHER MATTERS AND DETAIL RELATING TO THE ESTABLISHMENT, OPERATIONS AND FUNCTIONS THEREOF

This special service district would provide for a fire district in the unincorporated areas around the City of Enterprise, which would complete the coverage of the county in terms of fire protection in both the incorporated and unincorporated areas.

MOTION: Motion by Commissioner Gardner to Adopt Resolution No. R-2010-1436, A Resolution Of The Board Of County Commissioners Of Washington County, Utah, Creating And Establishing A Special Service District Within Washington County; Describing The Boundaries Thereof, Naming The Said District, Authorizing And Specifying The Services To Be Provided, Setting Forth The Powers, Duties And Authority, Providing For The Method Or Methods Of Payment For The Services To Be Furnished, And Prescribing Other Matters And Detail Relating To The Establishment, Operations And Functions Thereof. Motion seconded by Commissioner Drake and carried by unanimous vote, with Commissioners Eardley, Gardner, and Drake voting aye.

CONSIDERATION OF REVISION TO WASHINGTON COUNTY POLICY AND PROCEDURES MANUAL, SECTION VI: EMPLOYMENT STATUS

Mr. Cox said that this revision sets forth in greater detail which benefits belong to which job classifications. It also addresses the expectations of employees who are exempt under the Fair Labor and Standards Act (FLSA).

MOTION: Motion by Commissioner Drake to Adopt the Revision To Washington County Policy And Procedures Manual, Section VI: Employment Status. Motion seconded by Commissioner Gardner and carried by unanimous vote, with Commissioners Eardley, Gardner, and Drake voting aye.

CONSIDERATION OF REVISIONS TO WASHINGTON COUNTY SHERIFF'S OFFICE POLICY MANUAL: ACCESS TO COURTS AND COUNSEL, COMMUNICABLE DISEASE, CORRECTIVE ACTION AND DISCIPLINE, GRIEVANCE, HAZARDOUS MATERIALS, HEALTH CARE, PERSONAL PROTECTIVE EQUIPMENT, RESTRAINTS, SUICIDE PREVENTION AND THREATS OF HARM

The purpose of these revisions is to bring the Washington County Sheriff's Office into compliance with the requirements of the Utah Counties Insurance Pool Best Practices Program of 2009.

MOTION: Motion by Commissioner Drake to Adopt Revisions To Washington County Sheriff's Office Policy Manual: Access To Courts And Counsel, Communicable Disease, Corrective Action And Discipline, Grievance, Hazardous Materials, Health Care, Personal Protective Equipment, Restraints, Suicide Prevention And Threats Of Harm. Motion seconded by Commissioner Gardner and carried by unanimous vote, with Commissioners Eardley, Gardner, and Drake voting aye.

PUBLIC WORKS OR ROAD BUSINESS

Public Works Director Ron Whitehead asked for commission approval for the letter to the Bureau of Land Management (BLM) concerning its Environmental Impact Statement (EIS) regarding uranium mining in the Arizona Strip. The letter addresses some concerns that Washington County and other cooperating agencies have with the way the EIS has been written. Commissioner Gardner said that approximately forty percent (40%) of all the world's uranium is located in the Arizona Strip and is higher in grade than other locations. There has been an effort by some environmental communities to close down the mine, which contains approximately twenty-six million pounds of recoverable uranium. It is a tremendous energy source, and currently the United States is importing about ninety percent (90%) of its uranium, half of which comes from Russia. The potential income from this mining is enormous to Washington County.

MOTION: Motion by Commissioner Gardner to Ratify the Letter to the Bureau of Land Management (copy attached) Concerning the Environmental Impact Statement Regarding Uranium Mining in the Arizona Strip Area. Motion seconded by Commissioner Drake and carried by unanimous vote, with Commissioners Eardley, Gardner, and Drake voting aye.

Additionally, Mr. Whitehead reported that the Natural Resources Conservation Service (NRCS) has finished its project in the Gunlock area and is now ready to begin work in New Harmony. The NRCS has met with townspeople and explained that property owners need to participate in a twenty-five percent (25%) match of federal funds. Specifically, parcels of land have been requested to use as storage facilities for some of the debris that is removed from the channels. So far, only one property owner has responded, so Mr. Whitehead's office is preparing a letter to Mayor Webster, informing him that these sites must be identified and placed on construction drawings before a bid process is initiated.

The public may be interested to know that a traffic route map for the Ironman Triathlon event on May 1st has been finalized and will soon be available on the Washington County

website. Preparedness exercises are continuing, and the community is excited about this important event.

COUNTY DEVELOPMENT AND PLANNING BUSINESS

No items were presented today.

Request an Executive Session

None.

There being nothing further to come before the Commission, the meeting was adjourned at 5:11 p.m.

CHRISTINE S. HALL
DEPUTY CLERK

JAMES J. EARDLEY
CHAIRMAN